



BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA-R07-OAR-2022-0483; FRL-9913-01-R7]

Air Plan Approval; Iowa; State Implementation Plan and State Operating Permits Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Iowa State Implementation Plan (SIP) and the Iowa Operating Permit Program. The revisions update incorporations by reference to EPA methods for measuring air pollutant emissions, performance testing (stack testing) and continuous monitoring. These revisions do not impact the stringency of the SIP or have an adverse effect on air quality. The EPA's proposed approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-R07-OAR-2022-0483 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be

posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Bethany Olson, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7905; email address: olson.bethany@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" refer to the EPA.

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I. Written Comments

Submit your comments, identified by Docket ID No. EPA-R07-OAR-2022-0483, at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any

information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. What is Being Addressed in this Document?

The EPA is proposing to approve revisions to the Iowa SIP and the Operating Permits Program received on October 20, 2021. The revisions incorporate recent changes to Iowa Administrative Code. The following chapters are impacted:

- Chapter 20, "Scope of Title - Definitions;"
- Chapter 22, "Controlling Pollution;"
- Chapter 23, "Emission Standards for Contaminants;"

and

- Chapter 25, "Measurement of Emissions."

The proposed revisions update incorporations by reference to EPA methods for measuring air pollutant emissions,

performance testing (stack testing) and continuous monitoring. EPA proposes to find that these revisions meet the requirements of the Clean Air Act, do not impact the stringency of the SIP, and do not adversely impact air quality. The full text of these changes can be found in the State's submission, which is included in the docket for this action.

Sections 111 and 112 of the Clean Air Act (CAA) allow EPA to delegate authority to states for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs). EPA has delegated authority to Iowa for approved portions of these sections of the CAA. Changes made to Iowa's Chapter 23 pertaining to new and revised NSPS and NESHAPs are not directly approved into the SIP, but rather, are adopted by reference. Thus, EPA is not proposing to approve the changes to Chapter 23 of the Iowa Administrative Code into the state's SIP.

III. What SIP Revisions are being Proposed by EPA?

The EPA is proposing the following revisions to the Iowa SIP:

Chapter 20, Subrule 20.2, Scope of Title-Definitions: The state revised the definition of "EPA reference method" to adopt the most current performance test (stack test) method as specified in 40 CFR part 51, appendix M (as amended or corrected through October 7, 2020); 40 CFR part 60, appendix A

(as amended or corrected through October 7, 2020); 40 CFR part 61, appendix B (as amended or corrected through October 7, 2020); and 40 CFR part 63, appendix A (as amended or corrected through December 2, 2020). This subrule was also revised to adopt the most current minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems as specified in 40 CFR part 60, appendix B (as amended or corrected through October 7, 2020); 40 CFR part 60, appendix F (as amended or corrected through October 7, 2020); 40 CFR part 75, appendix A (as amended or corrected through August 30, 2016); 40 CFR part 75, appendix B (as amended or corrected through August 30, 2016); and 40 CFR part 75, appendix F (as amended or corrected through August 30, 2016). The proposed update will ensure that state reference methods are equivalent to Federal reference methods; thus, EPA proposes to approve this change.

Chapter 25, Subrule 25.1(9) Measurement of Emissions: As discussed above, the State similarly revised subrule 25.1(9), "Methods and Procedures," to adopt the performance test (stack test) and continuous monitoring systems as specified in 40 CFR part 51, appendix M (as amended or corrected through October 7, 2020); 40 CFR part 60, appendix A (as amended or corrected through October 7, 2020); 40 CFR part 61, appendix B (as amended or corrected through October 7, 2020); 40 CFR part 63, appendix A (as amended or corrected

through December 2, 2020); 40 CFR part 60, appendix B (as amended or corrected through October 7, 2020); 40 CFR part 60, appendix F (as amended or corrected through October 7, 2020); 40 CFR part 75, appendix A (as amended or corrected through August 30, 2016); 40 CFR part 75, appendix B (as amended or corrected through August 30, 2016); and 40 CFR part 75, appendix F (as amended or corrected through August 30, 2016). The proposed update will ensure that state reference methods are equivalent to Federal reference methods; thus, EPA proposes to approve this change.

IV. What Operating Permit Plan Revisions are being Proposed by EPA?

The EPA is proposing to approve the following revision to the Operating Permit Program:

Chapter 22, subrule 22.100(455B): Also as discussed above, the definition of "EPA reference method" has similarly been revised in definitions for the operating permits program to adopt performance test (stack test) and continuous monitoring systems specified by EPA in 40 CFR part 51, appendix M (as amended or corrected through October 7, 2020); 40 CFR part 60, appendix A (as amended or corrected through October 7, 2020); 40 CFR part 61, appendix B (as amended or corrected through October 7, 2020); 40 CFR part 63, appendix A (as amended or corrected through December 2, 2020), 40 CFR part 60, appendix B (as amended or corrected through October

7, 2020); 40 CFR part 60, appendix F (as amended or corrected through October 7, 2020); 40 CFR part 75, appendix A (as amended or corrected through August 30, 2016); 40 CFR part 75, appendix B (as amended or corrected through August 30, 2016); and 40 CFR part 75, appendix F (as amended or corrected through August 30, 2016). Referencing the updated method will ensure that state methods are equivalent to federal reference methods; thus, EPA proposes to approve this change.

V. Have the Requirements for Approval of a SIP and the Operating Permit Plan Revisions Been Met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from June 16, 2021, to July 19, 2021, and held a public hearing on July 19, 2021. No public comments were received. In addition, as explained above, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

VI. What Action is the EPA Taking?

The EPA is proposing to amend the Iowa SIP and the Operating Permits Program by approving the State's request to update the definitions of "EPA Reference Method" in Iowa Administrative Code Chapter 20, "Scope of Title - Definitions;" Chapter 22, "Controlling Pollution;" and Chapter

25, "Measurement of Emissions." We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

VII. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Iowa rules 567-20.2, 567-22.100 and 567-25.1 as described in Sections II-IV of this preamble and set forth below in the proposed amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal

requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: June 8, 2022.

Meghan A. McCollister,
Regional Administrator,
Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR parts 52 and 70 as set forth below:

PART 52--APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart Q-Iowa

2. In §52.820, the table in paragraph (c) is amended by revising the entries "567-20.2" and "567-25.1" to read as follows:

§52.820 Identification of plan.

* * * * *

(c) * * *

EPA-Approved Iowa Regulations

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
Chapter 20--Scope of Title-Definitions				
* * * * *				
567-20.2	Definitions	10/13/2021	[Date of publication of the final rule in the Federal Register], [Federal Register citation of the final rule]	The definitions for "anaerobic lagoon," "odor," "odorous substance," "odorous substance source" are not SIP approved.
* * * * *				
Chapter 25--Measurement of Emissions				
567-25.1	Testing and Sampling	10/13/2021	[Date of publication of the final rule in	

Iowa citation	Title	State effective date	EPA approval date	Explanation
	of New and Existing Equipment		the Federal Register], [Federal Register citation of the final rule]	
* * * * *				

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PART 70-STATE OPERATING PERMIT PROGRAMS

3. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

4. Appendix A to part 70 is amended by adding paragraph (x) under "Iowa" to read as follows:

Appendix A to Part 70-Approval Status of State and Local Operating Permits Programs

* * * * *

Iowa

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(x) The Iowa Department of Natural Resources submitted for program approval revisions to rules 567-22.100. The state effective date for 567-22.100 is October 13, 2021. This revision is effective **[date 60 days after date of publication of the final rule in the Federal Register]**.

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